

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE
HALL, ON WEDNESDAY, AUGUST 8, 2001.**

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins
Walter Montgomery, Secretary

Also Present: Lino Sciarretta, Village Counsel
Ralph Mastromonaco, Planning Board Consultant
Brenda Livingston, Ad Hoc Planning Board Member
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Mary Beth Dooley, Environmental Conservation Board Member
Dalco Reporting, Inc., for Bridge Street Properties
Applicants and other persons mentioned in these Minutes
Members of the Public.

IPB Matters

Considered:

94-03 – Westwood Development Associates, Inc.

Sht.10,P25J2,25K2,Sht.10C,BL.226

Lots 25A,26A,Sht. 11,P-25,P25J

00-28 – Bridge Street Properties, LLC

Sht. 3, P-103

00-40 – Astor Street Associates, LLC

Sht. 7, Portion of P-25000

01-03 – John & Miriana Lubina

Sht. 10B, Bl. 229, Lot 50A

01-16 – Joseph & Denise Ciccio

Sht. 10C, Bl. 226, Lot 55B

01-24 – Eric & Beatrice Goldsmith

Sht. 12A, P-91D,91C,91H2,91J,91K2

01-30 – Mr. & Mrs. Henry Hall

Sht. 11, P-27J

01-33 – Michael Gallin

Sht. 13, P-141C

01-35 – Salvatore & Antoinette DeNardo

Sht. 10B, Bl. 229, Lot 54

01-36 – Yen & Elsie Wong

Sht. 13, P-37

01-37 – Marc & Selene Smerling

Sht. 5, Bl. 209, Lot 1

01-38 – Douglas & Lynn Knight

Sht. 11, P-27F

01-39 – Peter & Natalie Derby

Sht. 12B, Lot 40 & 42

The Chairman called the meeting to order at 8:00 p.m.

Carry-overs to September:

01-30 – Mr. & Mrs. Henry Hall

Sht. 11, P-27J

01-39 – Peter & Natalie Derby

Sht. 12B, Lot 40 & 42

Removed from Agenda:

94-03 - Westwood Development Associates, Inc.

Broadway, Riverview Road, Mountain Rd

Administrative:

- With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of Notice to Affected Property Owners.

IPB Matter #01-35:

**Application of Salvatore & Antoinette DeNardo
for Determination of Site Capacity for property
at 92 East Sunnyside Lane.**

Joseph DeNardo appeared for the Applicant. The Application relates to property for which the Board previously granted site development plan approval for one (1) two family house in place of an existing structure to be demolished (IPB # 01-06). The current Application seeks Site Capacity determination as the first step in seeking subdivision approval to divide the property to permit the construction of a second (2) two-family residence.

The Board explained that the applicable definition in the Village Zoning Code for purposes of determining site capacity relates to “dwelling units” not buildings or houses. Dwelling unit is defined as a building or portion thereof for one family, so that a single two-family residence would necessitate a site capacity of two dwelling units.

The Board asked Village Counsel to review this matter prior to its consideration of any other issues; the application was carried over to the September 5, 2001 meeting.

IPB Matter #01-36:

Application of Yen & Elsie Wong for Site Development Plan Approval for property at 34 Butterwood Lane East.

Yen Wong represented himself and his wife before the Board. The applicant seeks approval for a permit to construct a single-family house on a lot at the southeast corner of Hamilton Avenue and Butterwood Lane East.

The Application indicated that Mr. & Mrs. Wong purchased two adjoining properties in 1983 under the same name. One of the two properties was transferred to solely Mrs. Wong's name in 1993, without specific subdivision approval. Under the Village Zoning Ordinance (§243-7), common ownership of adjoining lots subsequent to June 16, 1958 effectuates a merger. Consequently, the Board advised the applicant that the applicant must seek subdivision approval, preceded by site-capacity approval.

IPB Matter #01-38:

Application of Douglas & Lynn Knight for Waiver of Site Development Plan Approval for property at 180 Mountain/Peter Bont Road.

Mr. and Mrs. Knight appeared for the application. Applicant is requesting Waiver of Site Development Plan approval to legalize an open wood deck (approximately 371 sq. ft.). Plans entitled Existing Wood Deck 180 Mountain Road by Steven A. Costa, P.E., dated July 6, 2001, (2 sheets) were submitted.

The Board determined that there are no engineering concerns, setback issues or other problems with the deck. The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and a Type II Action for SEQRA purposes. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map

or Comprehensive Land Use Plan, the Zoning Ordinance of the Village of Irvington, or of any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #01-03:

Application of John & Miriana Lubina for Site Development Plan Approval for property at 3 Hudson Avenue.

Anthony Schembri of Opacic Architects, and Jim Ryan of John Meyer Engineering, represented the applicant. The application relates to the proposed extension of a residence and construction of a new one-car garage. The Applicant had been referred to the IPB by the Zoning Board of Appeals prior to the ZBA's rendering a decision on the Applicant's request for a variance.

The Chairman opened the Public Hearing and noted that any approval would be conditioned upon receiving a variance from the Zoning Board. Mr. Mastromonaco stated that the project will not create any serious impact on the flood plain. He also said that he believed that the applicant's plan provided a fair representation of the flood plain. The Chairman noted that, the Board had received comment from the Environmental Conservation Board in a letter dated August 7, 2001, as well as a letter from the Sunnyside Lane Homeowners dated August 4, 2001, both dealing with the flood plain.

Mr. Ribicic, a resident of the neighborhood in which the proposed construction is to take place, presented photographs of flooding he said had occurred on and around his property on June 17, 2001. The Chairman noted that the critical question is whether the proposed construction will exacerbate the flooding problems that currently exist. The Chairman asked that the applicant offset construction in the flood plain by modification to the topography so that there would be a net zero change in the flood plain. Mr. Ryan agreed to such modification.

The Board closed the Public Hearing. The Chairman, with the Board's concurrence, indicated that this was considered a Type II action under SEQRA. The Board unanimously granted site plan approval for plans entitled: Lubina Residence by Opacic Architects, dated June 27, 2001 revised July 17, 2001, labeled Scheme "B", and Site Plan by John Meyer Consulting, revised July 25, 2001 subject to the modifications requested by the Board, Mr. Mastromonaco's final sign-off on those actions, and appropriate variance from the Zoning Board of Appeals.

IPB Matter #01-16:

Application of Joseph & Denise Ciccio for Site Development Plan Approval for property at Riverview Road.

Craig Studer, Landscape Architect, appeared for the applicant. The Chairman opened the Public Hearing on this application for site development plan approval for the

construction of a single-family residence on one of the two lots in the Ciccio and Chernick subdivision.

Mr. Studer indicated that modifications to the Riverview Road sewer had been completed, but that acceptance by the Village was still pending. He noted that the applicant is still receiving bids on road construction, and that a \$100,000 bond had been obtained to guarantee completion of the right-of-way. Mr. Mastromonaco reviewed issues raised in his memo the Board of August 8, 2001. Mr. Studer noted that there is an agreement with Mr. Neubauer to allow grading on the Neubauer property. The Chairman stipulated that a certified engineer must stamp the site plan.

Mr. Mastromonaco pointed out that a note on the site plan regarding a separate contract addresses matters that go beyond the purview of the Planning Board. The Chairman noted that no building permit could be issued until the sewer is accepted by the Village. Work can proceed on the construction of the road improvements, but no grading, removal of trees or other work can take place on the lot until the site plan is approved. The Board agreed to continue the Public Hearing on this matter to the September 5th meeting.

IPB Matter #01-37:

**Application of Marc & Selene Smerling for
Waiver of Site Development Plan Approval for
Property at 32 North Dutcher Street.**

Mr. Smerling represented himself and Mrs. Smerling. This matter pertains to the construction of a two-story addition and covered porch at the applicant's house at 32 North Dutcher Street. Plans submitted were: Proposed Renovations: Smerling Residence by SFV Design, Inc., dated March 1, 2001, (4 sheets).

The Chairman noted that the Zoning Board of Appeals (ZBA #2001-03) granted a frontage variance for this project in June of this year, and the Applicant indicated that two trees on the south side of the property are not to be cut.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. Mr. Mastromonaco's comments were noted and there were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including

the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #01-24:

Application of Eric & Beatrice Goldsmith for Site Development Plan Approval for property at 73 Havemeyer Road.

Mr. Goldsmith appeared for the application. This matter is a continuation of an application related to the proposed construction of a garage and an addition of approximately 1,549 sq. ft.

The Chairman and Village Counsel noted that the drive, which provides access to adjoining property, constitutes a “street” under the Village Zoning Code. As a corner property, front yard setbacks are necessary from both streets, which would necessitate a variance from the Zoning Board.

The Board considered the application to otherwise be complete, and scheduled a Public Hearing for the September Planning Board meeting.

IPB Matter #01-33:

Application of Michael Gallin for Site Development Plan Approval for property at 55 Hamilton Road.

Mr. Gallin appeared before the Board on his own behalf. This matter is a involves site development plan approval in connection with a proposed renovation and addition to a single-family home. Plans entitled: Plot Plan (with topography), *no date*, by Michael Lewis Gallin, Architect, were submitted. The primary issue before the Board was the protection and removal of trees affected by the construction plans. The Chairman noted comments from the Environmental Conservation Board regarding this and other matters.

Mr. Mastromonaco stated that he had no further comments. Ms. Dooley, representing the ECB, reiterated the ECB’s concerns regarding removal of several trees and the need for additional tree protection. There were no comments from the public.

The Board determined this to be a Type II Action under SEQRA. After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that 1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval appropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, 2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and 3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this application subject to the applicant extending the tree-protection measures to Hamilton Road, the addition of several trees as replacement for those being removed.

IPB Matter #00-40:

**Application of Astor Street Associates, LLC
for Subdivision and Site Development Plan
Approval for property at Astor Street.**

Paul Sirignano, Esq., and Dave Barbuti, Architect appeared for the Applicant. This matter involves the proposed rehabilitation of the former MTA electrical substation into a residential housing development of nineteen one-bedroom units, four of which will be at specific below-market rental rates. The Chairman noted that the Board of Trustees had received an application for a special permit under the provisions of the Industrial District, and had requested recommendations from the Planning Board as part its deliberations on Subdivision and Site Plan Approval.

The Chairman noted receipt of letters from Mr. Stephen McCabe, the Village Administrator, Mr. William Everett of the Metropolitan Transit Authority; the Zoning Board of Appeals, and counsel for the Applicant. The Chairman also noted that the Board had received the requested contract of sale and the easement agreement for sewer and water connections to Buckhout Street.

The Chairman noted that the contract of sale provided by the Applicant involved a smaller amount of land than indicated on the site plans submitted for Planning Board approval. The Applicant indicated that the plans had changed since the original contract had been drawn, and that a revised contract would be provided corresponding to the site

plan. The MTA letter addressed the utilization of nine parking spaces in the commuter parking lot, subject to an agreement between the MTA, the Applicant and the Village.

The letter from Applicant's counsel requested the Planning Board consider application of Article VII Variances and Appeals of the Village Subdivision regulations with regard to frontage requirements. The Chairman stated that the Planning Board had historically referred frontage issues to the ZBA, and asked Village Counsel to review the Applicant's letter.

The Board indicated that the application was otherwise complete, and set a Public Hearing on preliminary subdivision approval and site-plan approval for the September meeting of the Planning Board. The Applicant agreed to extensions of the Public Hearing beyond the timing limits stipulated in the Zoning and Subdivision Codes.

Mr. Greenberg, whose property adjoins the property in question, raised concerns about erosion and runoff controls, and the adequacy of the proposed retaining walls. The Chairman requested that any engineering concerns raised by Mr. Greenberg's consultants be submitted in writing.

IPB Matter #00-28:

Application of Bridge Street Properties, LLC for Site Development Plan Approval for property at One Bridge Street.

John Kirkpatrick, Esq. represented the Applicant. This matter is a continuation of an application for the proposed construction of an office building at Two West Main Street. The Board opened the Public Hearing on the application. A complete stenographic record of the hearing was made and is incorporated in these minutes. Mr. Kirkpatrick agreed to the Chairman's request that the Board be provided with a "raw" copy of the stenographic record for review prior to finalization.

Mr. Kirkpatrick said that the parking layout had been modified after discussions with Mr. Mastromonaco, with specific regard to the number and size of parking spaces. Additional building area is now proposed for demolition to accommodate parking, which will also include parking inside the southernmost building.

The Chairman confirmed the Board's intention to be the Lead Agency under SEQRA. He noted, however, that the applicant should consider seeking a variance from the Zoning Board of Appeals with regard to the size of the parking spaces; such action would necessitate notification of the ZBA with regard to Lead Agency designation, which was not previously undertaken. He also noted that Counsel was still in the process of reviewing the feasibility of the Applicant's proposed parking declaration regarding the portion of the property north of West Main Street.

Mr. Mastromonaco indicated that:

- Access to the public restaurant adjoining the site should be clearly noted;
- There should be a clear identification of all exterior doors:

- The easement along Railroad Way should be redefined and noted on the Site Plan;
- Pedestrian access should be noted
- Parking spaces should be numbered on the plan; and
- Data on the 100-year flood lines should be shown on the plan.

The Chairman noted the potential need for “trade-offs” – e.g. less parking by elimination of spaces along Railroad Way to facilitate pedestrian safety. He stated that the applicant and Mr. Mastromonaco should meet. The Board agreed to continue the Public Hearing on this matter at the September 5th meeting.

The Board then considered the following administrative matters:

- The next regular meeting of the Planning Board was scheduled for September 5, 2001.
- The Minutes of July 11, 2001 were approved.

There being no further business, the meeting was adjourned at 11:20 p.m.

Respectfully submitted,

Walter Montgomery, Secretary